

## MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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### Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation Action 2007-4 Water/Sewer Service Area Category Change Requests

**I. CHRONOLOGY** - Interagency Notices of Public Hearing: ..... August 8, 2007  
Published Notice of Public Hearing: ..... September 21, 2007  
Public Hearing: ..... October 24, 2007  
Public Hearing Record Closed: ..... October 31, 2007  
**DEP Administrative Approval Action: ..... November 7, 2007**  
MDE Review Completed: .....

**II. BACKGROUND - Authority:** Under the Annotated Code of Maryland, Section 9-501, *et seq.*, the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that plan.

In the adopted CWSP, the County Council has delegated the authority to approve certain amendments to the Plan, including water and sewer category changes, by an administrative process, to the Director of the Department of Environmental Protection (DEP). To qualify for administrative consideration, these amendments must satisfy the specific requirements of the policies established by the Council as established in the CWSP, Chapter 1, Section V.F.2: Administrative Policies: Public Hearing Process.

**Proposed Plan Amendments:** DEP staff considered proposed amendments for approval by the administrative delegation process. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services - Well and Septic Section (DPS). The amendments were also referred to the County Council for their review and concurrence.

**III. PUBLIC HEARING PROCESS - Public Hearing Notification:** In accordance with State regulations, a notice of the public hearing was published in *The Gazette* on September 21, 2007; this notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. Also in accordance with State regulations, DEP, on September 24, 2007, notified the appropriate County and State agencies, and each property owner, local civic association leaders, and, if requested by the property owner, attorneys or engineers, of the public hearing, by posting notice on our website and Emailing interested parties to advise of same; included in the notice was the staff report and recommendation for the request as considered at the hearing on October 24, 2007.

**Public Hearing Testimony and Interagency Recommendations:** On October 24, Alan Soukup presided over the public hearing on the amendments under consideration for administrative approval. None of the testimony provided presented opposition to the proposed administrative approval of the map amendments.

Mr. Soukup announced at the hearing that DEP staff had previously recommended deferral of WSCCR 07A-DAM-08 (Bethel World Outreach Ministries) from the administrative group. This request, for the approval of multi-use, on-site water supply and sewerage systems for a proposed church, is affected by a recent zoning text amendment, ZTA 07-07, approved and effective as of October 22, 2007. ZTA 07-07 substantially restricts previously-allowed land uses for properties zoned RDT that have a recorded easement for the transfer of development rights, as is the case for the subject property. Allowed development is limited to residential, agricultural, and agriculture-related uses; a religious use, such as a house of worship, is not among the uses allowed either by right or by special exception. It is inappropriate to pursue an administrative action specifically for a proposed use that is not consistent with the County's Zoning Ordinance. DEP will forward this request to the County Council for consideration.

DEP staff subsequently recommended the deferral of another category change amendment, WSCCR 08A-TRV-01 (Lee-Llacer) from consideration under this administrative action. The owners are pursuing the approval of public sewer service in order to keep an existing, vacant house as an accessory building on their property. This structure, the original house on the property, was to have been demolished prior to the construction of the newer house on the property. This condition was established through the subdivision process and related to



the septic system suitability of the property which would not support two houses. The condition was never enforced. The owners are seeking a special exception in order to allow the older house to remain. The land use issues affecting the presence of the older house on this property need to be resolved before the County proceeds with an approval for sewer service, in part, to ensure that such an action does not prejudice pending zoning decisions. This request may be brought back to a subsequent administrative action once the associated land use and zoning issues are resolved, although the owners may choose to pursue a decision by the County Council.

Comments received from M-NCPPC, WSSC, and from DPS raised no objection to the administrative approval of any of the subject amendments recommended within this action.

On October 18, the Montgomery County Planning Board considered the DEP and M-NCPPC staff recommendations for the subject amendments. On the basis of the M-NCPPC staff recommendations, the Board concurred with the DEP staff recommendations for all amendments.

On October 30, County Council staff advised DEP that the Councilmembers concurred with administrative approval of the other proposed map amendments.

DEP closed the public hearing record on October 31, 2007. Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

**IV. DEP ADMINISTRATIVE ACTION** - The June 2003 water/sewer category map update of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan is hereby amended as follows:

**07A-CLO-10 (Kimball):**

**Current and intended use:** vacant; single family house to be built

**Property information:** Porter Rd., Ashton: E C Thomas Sub, P. N449, Lot 3. 0.50 acre. 00711202. JT42. 224NW01. R90 zone.

**Planning Area and Watershed:** Cloverly. Northwest Branch.

**Current and Requested Category/Categories:** S-6 to S-1.

**Administrative Action:** Approve S-3. Policy V.F.1.a, Consistent with Existing Plans.

**07A-CLO-11 (Kimball):**

**Current and intended use:** vacant; bank.

**Property information:** 17825 Porter Rd., Ashton: E C Thomas Sub: P. N417. 0.50 acre. 00720718. JT42. 224NW01. C-1 zone.

**Planning Area and Watershed:** Cloverly. Northwest Branch.

**Current and Requested Category/Categories:** S-6 to S-1.

**Administrative Action:** Approve S-1. Policy V.F.1.a, Consistent with Existing Plans.

**07A-DAM-08 (Bethel World Outreach Church):**

**Current and intended use:** vacant property; church.

**Property information:** 10715 Brink Rd., Germantown (mailing address sometimes shown as 10725); Thomas Hog Pasture Case, Parcel P999. 119.37 acres. 00028903. 230NW10/11. FV22. RDT Zone.

**Planning Area and Watershed:** Goshen-Woodfield-Cedar Grove PA. Upper Great Seneca Creek.

**Current and Requested Category/Categories:** Approval for multi-use water supply and sewerage systems under the existing W-6 and S-6 categories.

**Administrative Action:** Defer to the County Council for consideration.

**08A-DNT-01 (Hossain):**

**Current and intended use:** single family house; no change.

**Property information:** 15719 Quince Orchard Rd., N. Potomac: Triple Trouble, P. 567. 0.50 acre. 00387541. ES62. 221NW12. R200 zone.

**Planning Area and Watershed:** Darnestown. Muddy Branch.

**Current and Requested Category/Categories:** W4, S-6. W-1, S-1.

**Administrative Action:** Approve W-1, S-1. Policy V.F.1.a, Consistent with Existing Plans.

**07A-FAL-04 (Caulk):**

**Current and intended use:** single family home; no change. Health failure certified, DPS, 05/16/07; expedite memo, Soukup to WSSC, 05/17/07.

**Property information:** 3724 Greencastle Rd., Burtonsville: Carricks Addition, P. N633. 1.91 acre. 00265730.



KF63. 219NE04. R90 zone.

**Planning Area and Watershed:** Fairland. Little Paint Branch.

**Current and Requested Category/Categories:** S-5 to S-1.

**Administrative Action:** Approve S-1. Policy V.F.1.a, Consistent with Existing Plans.

**07A-POT-04 (Ho):**

**Current and intended use:** single family home; no change.

**Property information:** 8505 Brickyard Rd., Potomac: Potomac Ranch, Lot 8.

2.0 acres. 00853000. FN33. 210NW10. RE2 zone.

**Planning Area and Watershed:** Potomac/Cabin John. Rock Run.

**Current and Requested Category/Categories:** S-6 to S-1.

**Administrative Action:** Approve S-3. Policy V.F.1.a, Consistent with Existing Plans.

**07A-TRV-09 (Choi):**

**Current and intended use:** single family home; no change.

**Property information:** 12401 Rivers Edge Dr., Potomac: Rivers Edge, Lot 18, Block A. 2.0 acres. 01827108. EQ23. 216NW14. RE2 zone.

**Planning Area and Watershed:** Travilah. Muddy Branch.

**Current and Requested Category/Categories:** W6, S-6. W-1, S-1.

**Administrative Action:** Approve W-1, S-1. Policy V.F.1.a, Consistent with Existing Plans.

**08A-TRV-01 (Lee-Llacer):**

**Current and intended use:** single family home; no change. Please note: owners want to serve both the main house and a guest house off of the same connection/hookup.

**Property information:** 12009 Piney Meetinghouse Rd., Potomac: Piney Glen Farm, Lot 36, 2.54 acre. 01814620. FQ12. 215NW11. RE2 zone.

**Planning Area and Watershed:** Travilah. Watts.

**Current and Requested Category/Categories:** S-6 to S-1.

**Administrative Action:** **Defer action to a subsequent administrative group pending resolution of the land-use and zoning issues concerning the accessory house on the property.** *Note: The owners may request that DEP forward their application to the County Council for consideration, rather than await an action through a subsequent administrative process. This request must be provided in writing to DEP.*

**08A-TRV-02 (Nwaneri):**

**Current and intended use:** single family home to be demolished, new single family home to be built.

**Property information:** 12015 Piney Meetinghouse Rd. AND an adjacent parcel, Potomac: Wickham and Pottinger: P. 083, 01817053 AND Res on Piney Thicket, P. 136, 00863817. Total 13 acres. FQ22. 215NW11. RE2 zone.

**Planning Area and Watershed:** Travilah. Watts Branch.

**Current and Requested Category/Categories:** S-6 to S-1.

**Administrative Action:** **DEP Staff Recommendation and Report: Approve S-1 for a single sewer hookup only. The approval of a single sewer hookup cannot be used to promote the subdivision of this property into multiple lots.** Policy V.F.2.b, Abutting Mains.

Now therefore be it resolved by the Acting Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's Comprehensive Water Supply and Sewerage Systems Plan are approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved



Fariba Kassiri, Acting Director  
Montgomery County Department of Environmental Protection

**V. M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE:** No category changes granted under this approval action affect subdivision plans.

**VI. NOTIFICATION OF DEP ACTION** - DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies and individuals that will receive a copy of this summary of action follows:

Distribution: Interagency

Virginia Kearney, Acting Director, Water Mgt. Admin., MDE  
Marilyn Praisner, Montgomery County Council  
Nancy M. Floreen, Montgomery County Council  
Royce Hanson, M-NCPPC/Planning Board  
Keith Levchenko, Montgomery County Council  
Amy Hart, Department of Permitting Services  
Mary Dolan, M-NCPPC, County-Wide Planning Division

Cathy Conlon/Richard Weaver, M-NCPPC, Development Review Division  
Katherine Nelson, M-NCPPC, County-Wide Planning Division/Environmental Unit  
Peg Robinson /Beth Forbes, WSSC, Development Services Group  
Luis Tapia, WSSC, Service Applications Group  
Pearl Walker, WSSC, Assessments Group

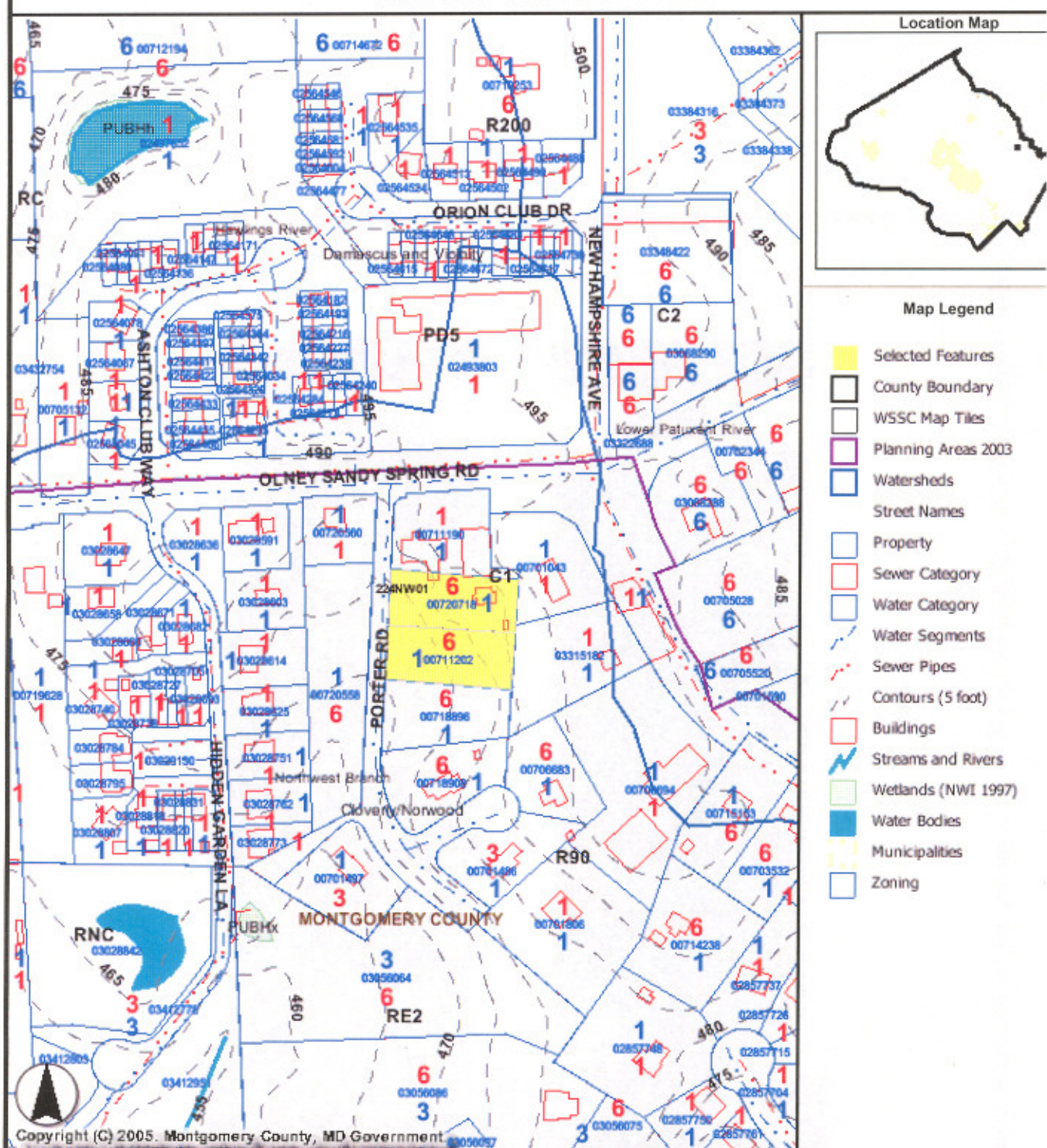
Distribution: Property Owners Listed Above/Other Interested Parties/Civic/Environmental/Public Interest Groups

*Attachments – Amendment Service Area Category Mapping*

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## 07A-CLO-10 &amp; 07A-CLO-11: Kimball



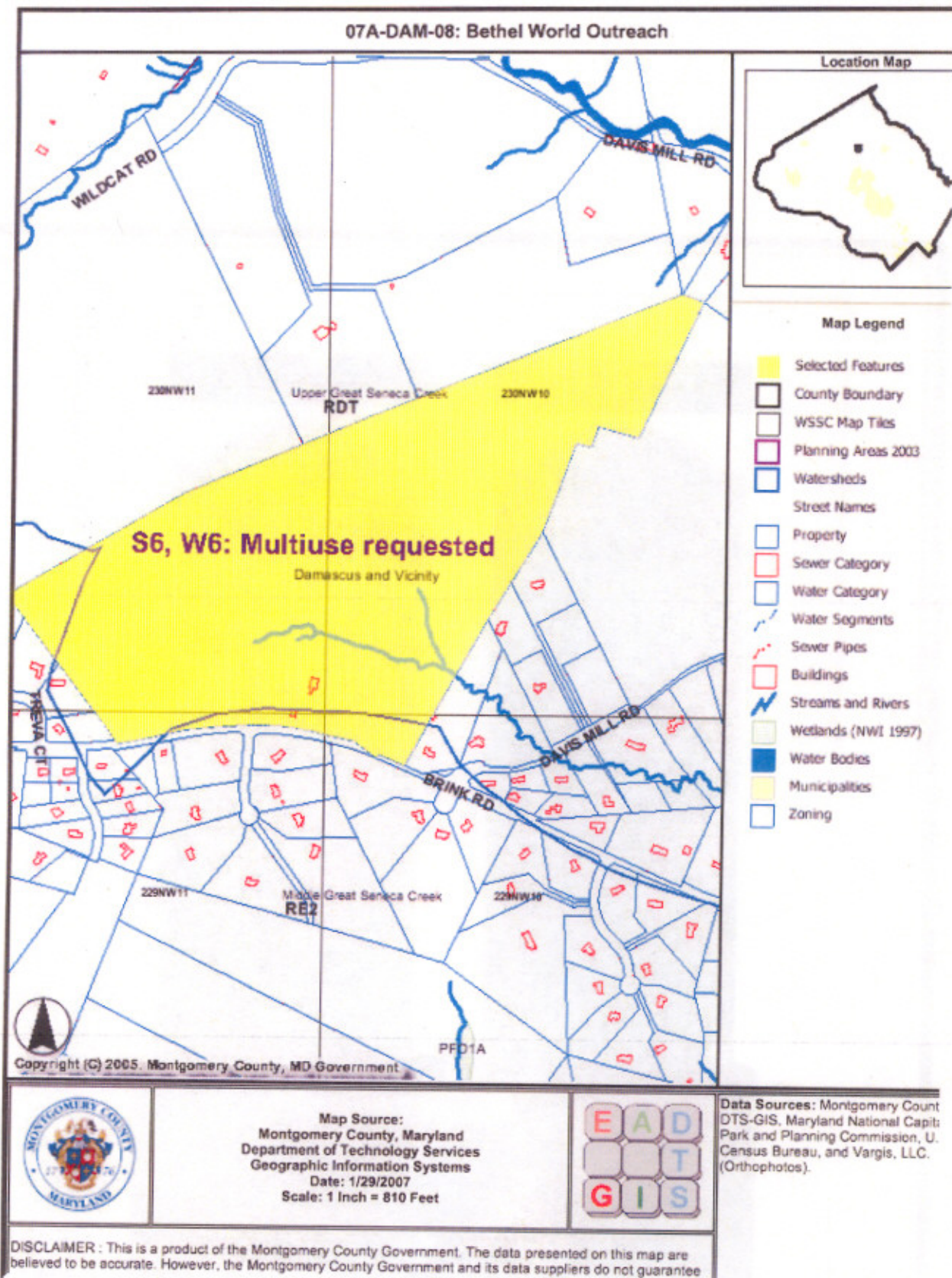
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 Montgomery County, Maryland  
 Department of Technology Services  
 Geographic Information Systems  
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 Scale: 1 Inch = 259 Feet



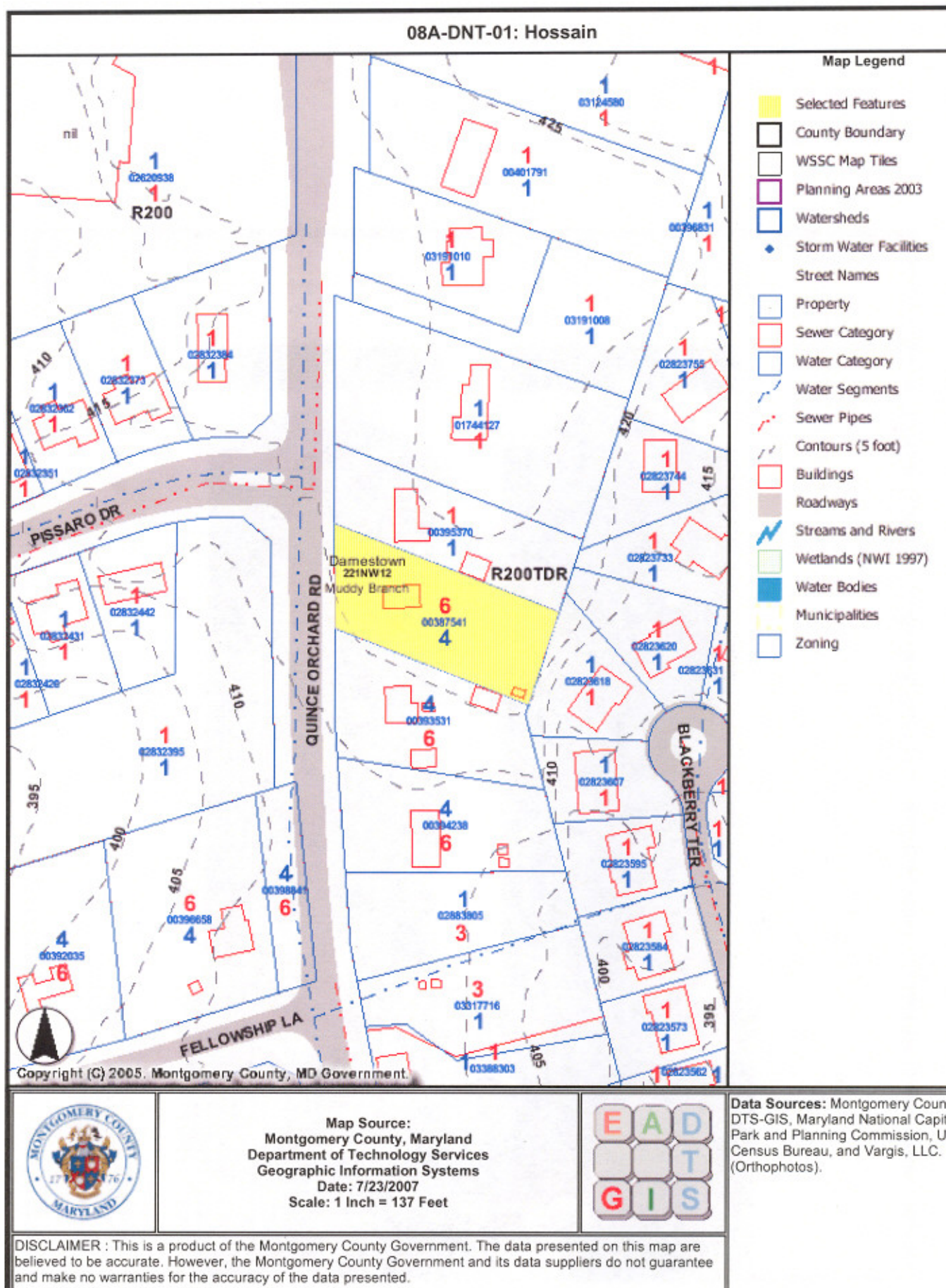
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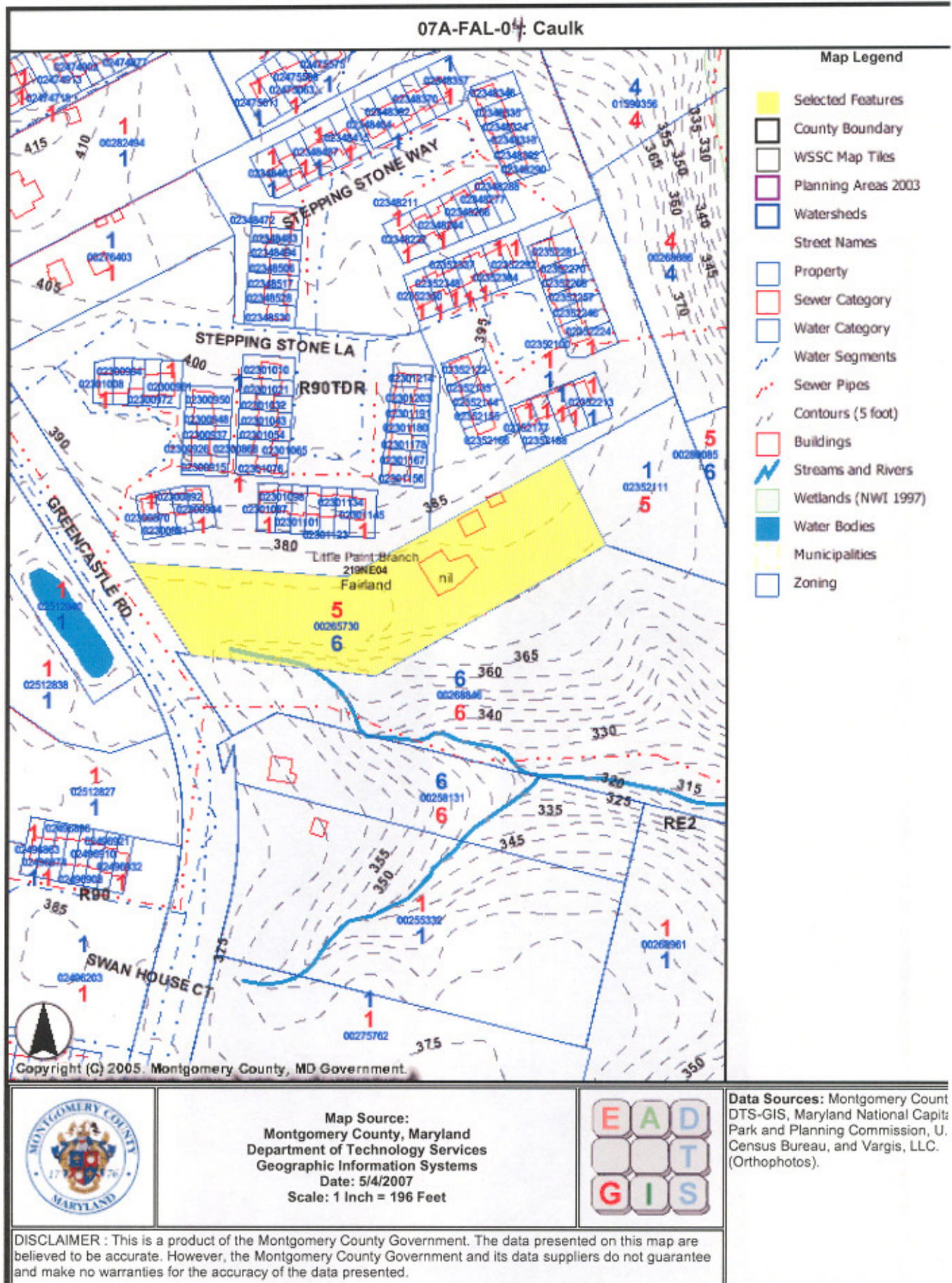






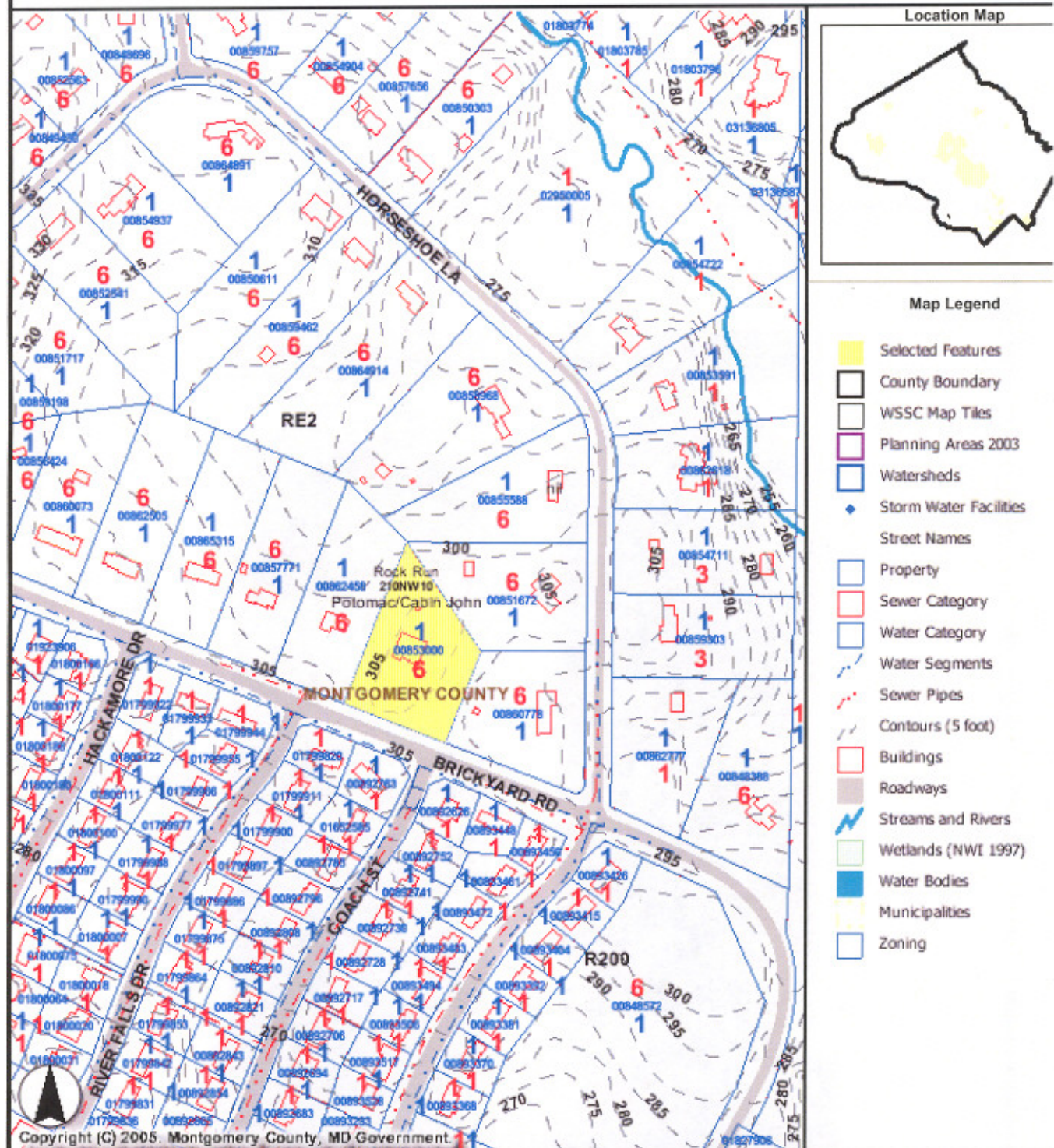








07A-POT-04: Ho



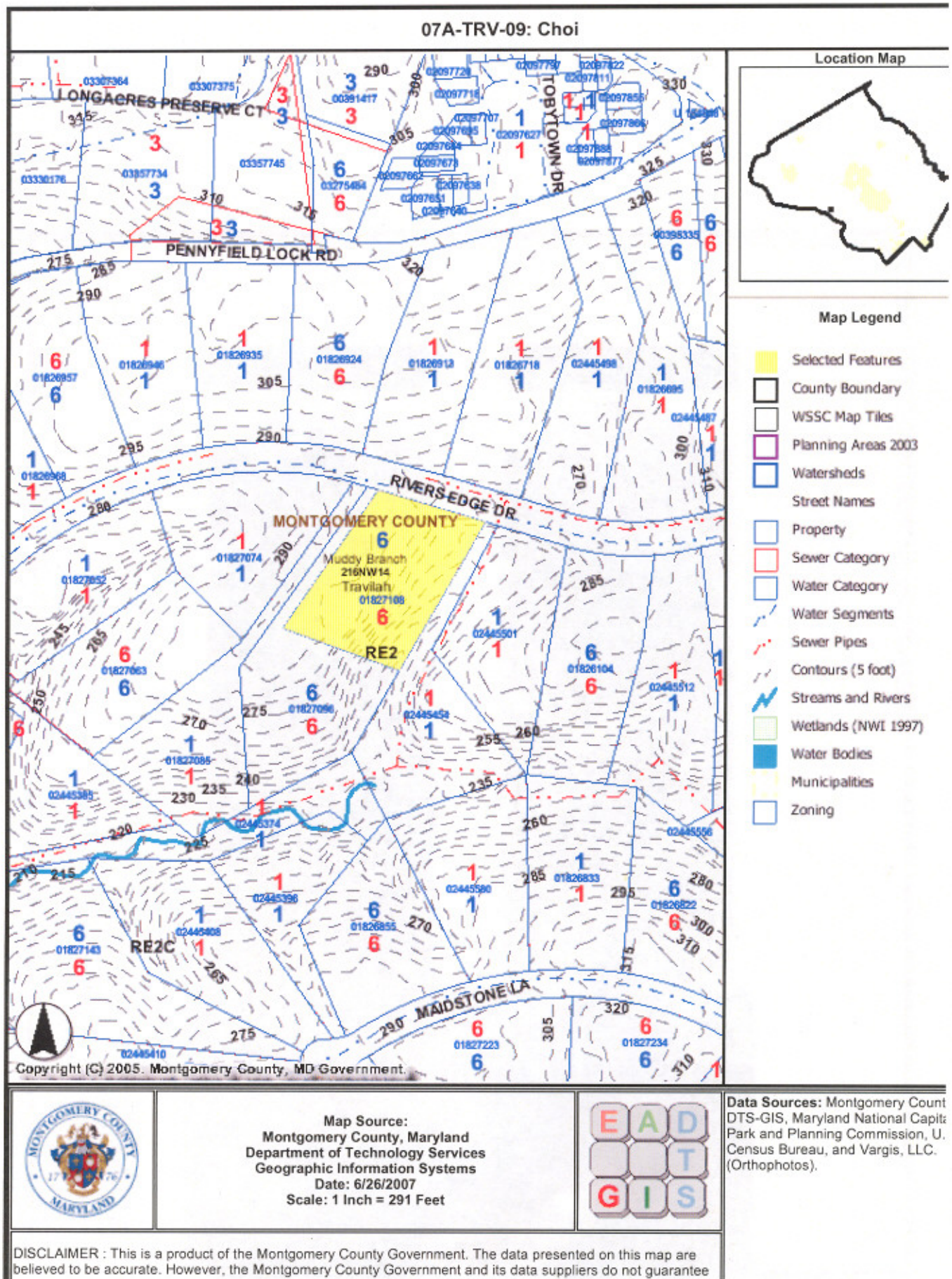
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 Department of Technology Services  
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**Data Sources:** Montgomery County DTS-GIS, Maryland National Capital Park and Planning Commission, U.S. Census Bureau, and Vargis, LLC. (Orthophotos).

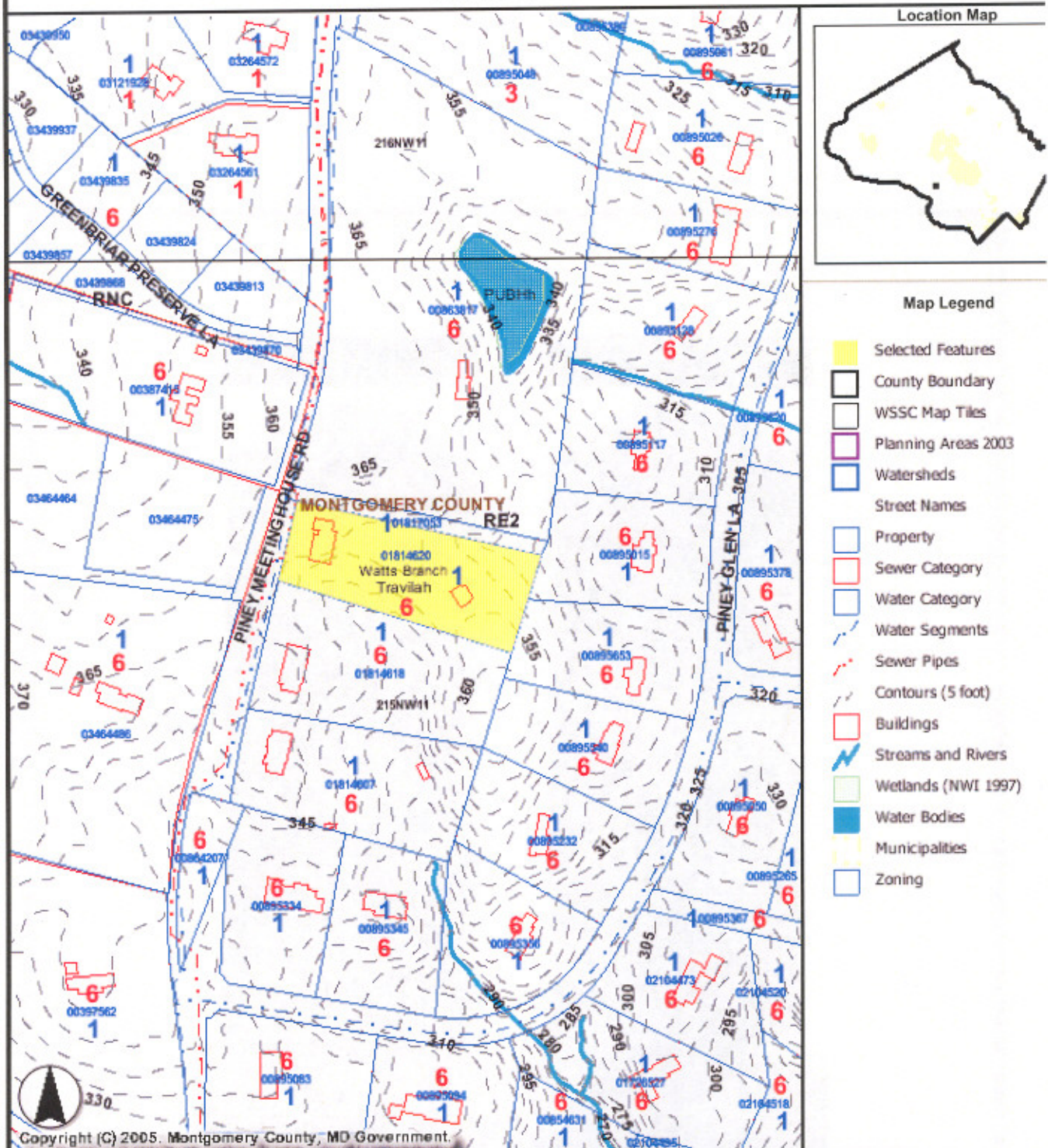
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## 08A-TRV-01: Lee-Llacer



**Map Source:**  
 Montgomery County, Maryland  
 Department of Technology Services  
 Geographic Information Systems  
 Date: 7/5/2007  
 Scale: 1 Inch = 326 Feet

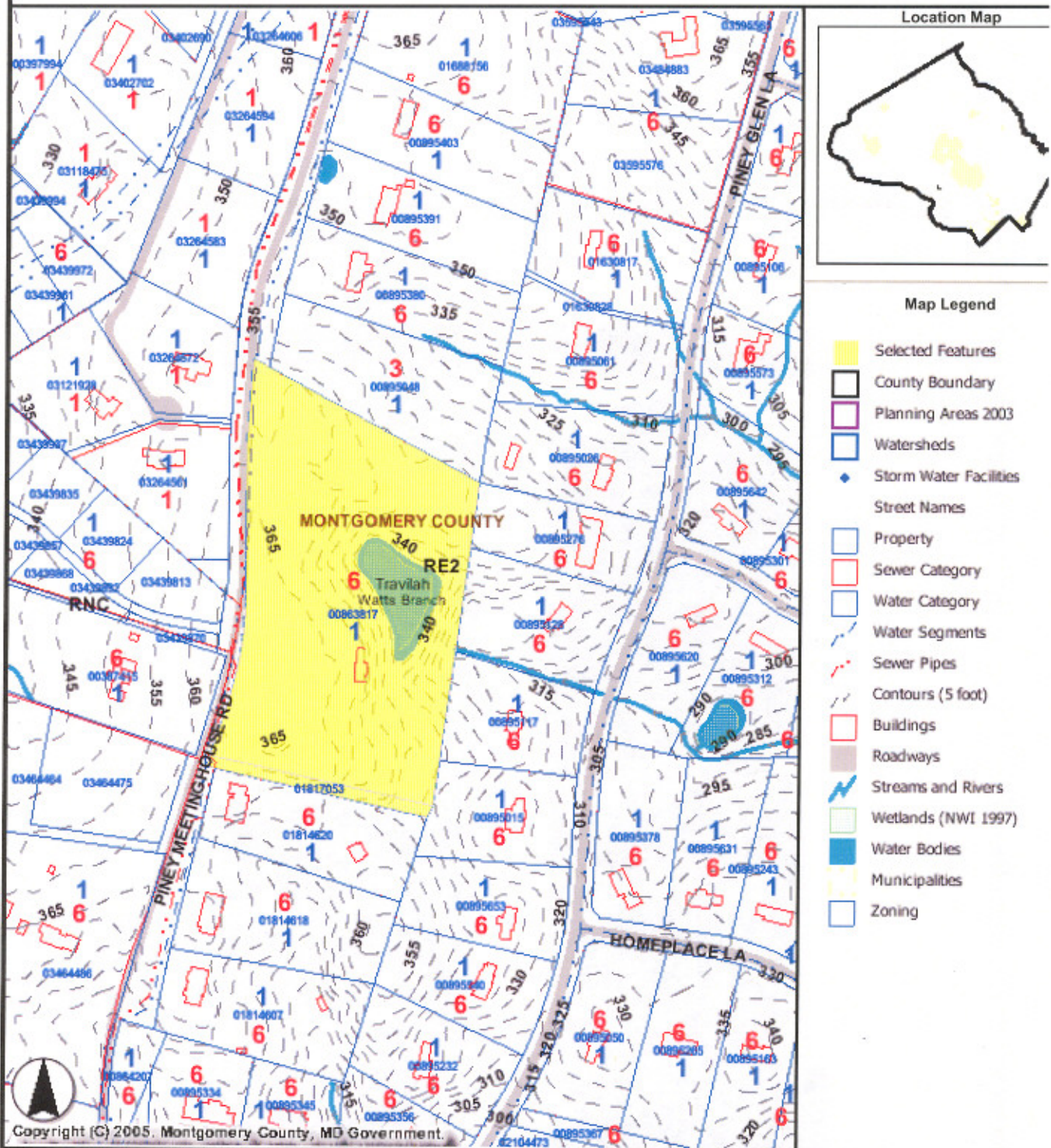


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## 08A-TRV-02: Nwaneri



Map Source:  
Montgomery County, Maryland  
Department of Technology Services  
Geographic Information Systems  
Date: 8/2/2007  
Scale: 1 Inch = 375 Feet



**Data Sources:** Montgomery County DTS-GIS, Maryland National Capital Park and Planning Commission, U.S. Census Bureau, and Vargis, LLC. (Orthophotos).

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